

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ANTHONY MONEYHAM,</b>	:	<b>No. 3:15cv1551</b>
<b>Petitioner</b>	:	
	:	
<b>v.</b>	:	<b>(Judge Munley)</b>
	:	<b>:(Magistrate Judge Saporito)</b>
	:	
<b>RICHARD B. IVES,</b>	:	
<b>Respondent</b>	:	

.....

**ORDER**

Before the court for disposition is Magistrate Judge Joseph F. Saporito's Report and Recommendation (hereinafter "R&R") regarding Petitioner Anthony Moneyham's petition for a writ of habeas corpus. Magistrate Judge Saporito recommends denying the petition for a writ of habeas corpus and dismissing it without prejudice on the basis that petitioner's federal habeas claims are barred by procedural default.

Judge Saporito filed the R&R on April 4, 2018, and objections to the R&R were originally due on April 23, 2018. (Doc. 27). On April 25, 2018, however, we granted an extension of time to the petitioner. We extended the time for filing objections to June 1, 2018. (Doc. 29). This deadline has passed by approximately four weeks, and no objections have been filed. Therefore, in deciding whether to adopt the R&R, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory

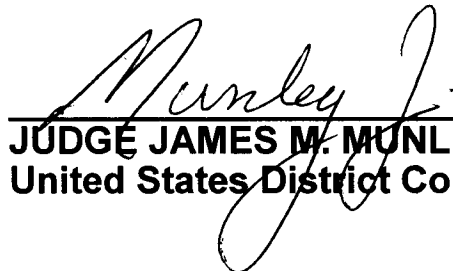
Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 27) is **ADOPTED**;
- 2) The petition for a writ of habeas corpus (Doc. 1) is **DENIED** and **DISMISSED** without prejudice; and
- 3) The Clerk of Court is directed to close this case.

**BY THE COURT:**

6/29/18

  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**